IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 9587 of 2003

Between:

K.Kiran S/o.Veerasham, Asst. Clerk,
Marketing Society Ltd., Karimnagar Dist.

... PETITIONER

AND

1 The District Cooperative Officer Karimnagar
Karimnagar Dist
2 The Karimnagar Dist Cooperative Marketing Society Ltd.,
Karimnagar Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in removing the petitioner by way of dismissal from service from the 2nd respondent society through its notice in Rc.No.1863/200/E, dated 28-4-2003 and set aside the same as illegal, arbitrary and violative of the provisions of Industrial disputes Act, besides being violative of the principles of natural justice. Consequently direct the respondents to reinstate petitioner into service as Assistant Clerk in 2nd respondent society with all consequential benefits

Counsel for the Petitioner: MR.S.A.RAZAK

Counsel for the Respondent No.1: GP FOR REVENUE

GP FOR COOPERATION

Counsel for the Respondent No.2: MR.D.SUDERSHAN REDDY

The Court made the following order:

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ORDER:

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Petitioner questions the order of the second respondent-District Cooperative Marketing Society Limited dated 28.04.2003 removing him from services, who is working as Assistant Clerk on consolidated pay. It is not in dispute that the society is bound to implement the provisions of the Section 116-C r/w rules 28(4) (b) and 36(B) of the Andhra Pradesh Cooperative Societies Act, 1964 and the Rules.

I have taken a view in WP.No.3171 of 2003 and batch dated 30.08.2004 that no writ lies against a Cooperative Society by its employees as the functions of the society is not a statutory one and therefore, they have a remedy available under the special Bye-Laws etc.

Following the said judgment in WP.No.3171 of 2003 and batch dated 30.08.2004 the writ petition is dismissed with a liberty to the petitioner to file an appeal against the removal order within one month from the date of receipt of a copy of this order. No costs.

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V. ESWARAIAH, J

November 4, 2004

Dsk

To

1 The District Cooperative Officer Karimnagar, Karimnagar District.

2 The Karimnagar Dist Cooperative Marketing Society Ltd., Karimnagar District.

3 Two CCs to GP For Revenue, High Court Buildings, Hyderabad (OUT)

4 Two CCs to GP For Cooperation, High Court Buildings, Hyderabad (OUT)

5 Two CD Copies.